

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

United States of America,)	
)	
Plaintiff,)	C.A. 1:08-CV-01707-MBS
)	
v.)	
)	
Norfolk Southern Railway Company,)	
)	
Defendant.)	

CONSENT ORDER STAYING PROCEEDINGS

This matter is before the Court on joint motion of the parties requesting a stay of proceedings in order to permit the parties to pursue settlement negotiations in an effort to bring this matter to resolution. The parties have requested that with the exception of the depositions of Lennard Wharton scheduled for August 24, 2009 and John Rodgers scheduled for August 26, 2009, all other proceedings in this matter will be stayed until September 30, 2009.

The Court discussed the parties' request and proposal during a telephone conference conducted with counsel on August 21, 2009. The parties advised the Court that they believe this stay will be in the best interest of the parties and the Court as they attempt to resolve this matter.

The parties have proposed and agreed that the deadlines for Defendant's response to Plaintiff's motion for pretrial conference (D.E. #70), and for Plaintiff's response to Defendant's motion for partial summary judgment (D.E. #74), shall be extended until September 30, 2009. The parties also have proposed and agreed that Plaintiff's deadline to submit rebuttal expert reports should be extended until September 30, 2009. In the event the case does not settle, the parties have agreed to jointly submit an amended scheduling order modifying other deadlines set forth in the Court's scheduling order currently governing this case.

Accordingly, based upon the agreement of the parties and for good cause having been shown, the Court hereby orders as follows:

1. With the exception of the depositions of Wharton and Rogers which may proceed by agreement of counsel, all other proceedings in this matter are stayed until September 30, 2009;
2. The deadline for Defendant's response to Plaintiff's motion for pretrial conference (D.E. #70), is hereby extended until September 30, 2009;
3. The deadline for Plaintiff's response to Defendant's motion for partial summary judgment (D.E. #74), is hereby extended until September 30, 2009;
4. The deadline for Plaintiff's submission of rebuttal expert reports is hereby extended until September 30, 2009; and
5. The Court will conduct a follow up telephone status conference with the parties on September 24, 2009 at 3:00 p.m. At that time, the parties shall advise the Court whether a further extension of the stay is needed, whether the parties have reached resolution, and/or whether further amendments to the Court's current scheduling order will be required.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

August 24, 2009

WE SO MOVE AND CONSENT:

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Dated: August 21, 2009